

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

NORTHERN DYNASTY MINERALS LTD.,  
*et al*,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, *et al.* ,

Defendants,

And

BRISTOL BAY NATIVE ASSOCIATION,  
INC., *et al.*,

Intervenor-Defendants.

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STATE OF ALASKA,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Defendant,

and

TROUT UNLIMITED, *et al.*,

Intervenor-Defendants.

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Case No. 3:24-cv-00059

CONSOLIDATED

LEAD CASE

Case No. 3:24-cv-00084-SLG

CONSOLIDATED

ILLIAMNA NATIVES, LTD., *et al.*,

Plaintiffs,

v.

ENVIRONMENTAL PROTECTION  
AGENCY, *et al.*,

Defendants,

and

BRISTOL BAY ECONOMIC  
DEVELOPMENT CORPORATION, *et al.*,

Intervenor-Defendants.

Case No. 3:21-cv-00132-SLG

CONSOLIDATED

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### DECLARATION OF JAMES FUEG

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I, James Fuego, based on my personal knowledge, declare and state as follows:

1. I have been employed by Pebble Limited Partnership ("PLP") since November 1, 2017, and my current title at PLP is Senior Permitting Advisor. In that capacity, I was extensively involved in PLP's application to the U.S. Army Corps of Engineers (the "Army Corps") for a Clean Water Act ("CWA") section 404(b) permit.

2. I submit this declaration in support of PLP's *Motion for Leave to Obtain Extra-Record Discovery to Complete, or in the Alternative Supplement, the Administrative Record*, and its *Motion to complete or Supplement the United States Army Corps of Engineers' Administrative Record*. Except as otherwise indicated herein, the facts set forth in this Declaration are based upon my personal knowledge, information provided to me by PLP's employees or advisors, or my opinion based upon my knowledge and experience. I am authorized to submit this Declaration on behalf of PLP.

3. As part of the section 404(b) permit application process for the Pebble mine, the Army Corps and coordinating agencies sent PLP more than 168 Requests for Information (“RFI”) (approximately 285 RFIs, counting subparts) covering a wide range of topics related to PLP’s permit application, including, among other topics, environmental baseline conditions at and near the Pebble Deposit; streamflow and groundwater conditions; water quality and treatment; project logistics, employment, transportation issues; mine and infrastructure design, including tailings and water treatment; jurisdictional wetlands mapping data and impacts to wetlands; presence and abundance of fish, and potential impacts to fish habitats; PLP’s Compensatory Mitigation Plan (“CMP”); etc. I was the primary employee at PLP responsible for receiving, cataloging, and responding to these RFIs. PLP submitted thousands of documents, reports, data, and information to the Army Corps in response to these RFIs, and I worked closely with others at PLP and the Army Corps to make sure the Army Corps had the information it requested.

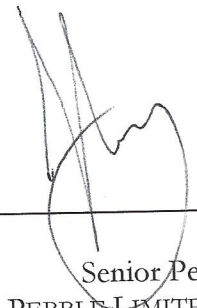
4. Attached hereto as **Exhibit 1**, is a true and correct copy of an August 24, 2020, email from Sheila Newman, the Deputy Chief of the Regional Regulatory Division at the Army Corps, to myself, James Fuego, attaching a copy of an August 20, 2020, letter from David Hobbie, the Regional Regulatory Division Chief at the Army Corps, regarding PLP’s CWA section 404(b) permit application.

5. On September 8, 2020, I participated in a meeting with representatives from the Army Corps Alaska District to discuss PLP’s proposed mitigation plan for the permit application. The parties reviewed PLP’s mitigation proposal (referred to as the Koktuli Conservation Area) during the meeting, and at no point did the Army Corps suggest that PLP’s

permit application would be denied or that PLP's outlined proposal would fail to fulfill the demands in the Army Corps's August 20 letter from David Hobbie.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: December 12, 2024



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James Fuego  
Senior Permitting Advisor  
PEBBLE LIMITED PARTNERSHIP